

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH BRANTLEY,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

4:12CV3215

MEMORANDUM AND ORDER

After conferring with each other, the Nebraska Department of Labor and the BNSF Railway Company have resolved the issues underlying the Department's objection to the railroad's subpoena.

Accordingly,

IT IS ORDERED that the railroad's motion is granted, (Filing No. 54), and the Department of Labor's objection, (Filing No. 53), is denied as follows:

- 1) Counsel for BNSF shall provide the plaintiff's social security number to the Nebraska Department of Labor, and shall pay the Department, in advance, a \$25.00 search fee plus \$0.10 per page for the requested records..
- 2) After receiving the fees outlined in paragraph 1, the Nebraska Department of Labor shall comply with the subpoena served on September 13, 2013 by BNSF on the Nebraska Department of Labor requesting the Plaintiff's unemployment records.

October 14, 2013

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge